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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,969	06/25/2001	T. K. Lakshman	020706001010	1407
20350	7590	09/03/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			PERVEEN, REHANA	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/888,969	LAKSHMAN, T. K. <i>[Signature]</i>
Examiner	Art Unit	
Rehana Perveen	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2-13,29-31 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2-13,29-31 and 37 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 June 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-13, 29-31, and 37 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the third network configuration" in line 11. There is insufficient antecedent basis for this limitation in the claim. For the purposes of examination, the examiner will treat the limitation as " the second network configuration". Claims 3-4 are either directly or indirectly dependent from independent claim 2, and therefore, are rejected being depended upon a rejected base claim.

Claim 5 recites the limitation "a set of copies of the one or more configurations" in line 10. The meaning of a set of copies is unclear. It is not clear whether each of the configuration of the first software is a copy of the configuration itself or not. Clarification including rewriting the paragraph of the claim is therefore required for appropriate examination purpose. Claims 6-13 are either directly or indirectly dependent from independent claim 5, and therefore, are rejected being depended upon a rejected base claim.

Claim 29 recites the limitation "a software application" in lines 5 and 9. It is not clear whether the second occurrence of the limitation should be "said software application" or "another software application". Correction is therefore required. Claims 30-31 are either directly or indirectly dependent from independent claim 29, and therefore, are rejected being depended upon a rejected base claim.

Claim 37 recites the limitation "a software application" twice in lines 7-9. It is not clear whether the second occurrence of the limitation should be "said software application" or "another software application". Correction is therefore required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-13, 29-31, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama et al, Patent No. 6,636,970, in view of Ronning, Patent No. 5,883,954.

As to claims 2 and 29, Akiyama et al teach configuring a dynamic environment for a hardware, software environment, and a network configuration, and demonstrating the execution of a first software using the hardware, the software environment, and the network configuration of the dynamic computing environment (col. 3 line 62 – col. 4 line 10).

However, Akiyama et al do not expressly teach configuring the dynamic environment for a second hardware, a second software environment, and a second network configuration, and demonstrating the execution of the software using the second hardware, the second software environment, and the second network configuration of the dynamic computing environment.

Ronning teaches launching demonstration software to a potential purchaser of the program. The user of the computer launching the demonstration software for possible sales or purchase may have a different platform or computing environment including a hardware, software environment, and network configuration than another user of another computer launching the demonstration software. Therefore, Ronning implicitly teaches configuring the dynamic environment for a second hardware, a second software environment, and a second network configuration, and demonstrating the execution of the software using the second hardware, the second software environment, and the second network configuration of the dynamic computing environment (figure 20, col. 12 line 56 – col. 13 line 22, and col. 24 lines 30-40).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Akiyama et al and Ronning because both are commonly directed to the software demonstration environment and Ronning's ability to demonstrate intended software in a different configuration, when incorporated into Akiyama et al's system, would have enabled increased versatility of the overall system creating a simpler sales environment of software to purchasers using different types of hardware having different types of software environment and network configuration.

As to claims 3 and 30, Ronning teaches using a processor in the dynamic computing environment to accept signals from the customer location to modify the execution of the first software process (col. 12 line 56 – col. 13 line 47 and col. 21 lines 30-62).

As to claims 4 and 31, Ronning teaches communications between the dynamic computing environment and the locations are secure (col. 21 lines 30-62).

Claims 5-13 and 37 are directed to the system implementing the method of claims 2-4 and 29-31. Akiyama et al and Ronning, in combination, teach the method as set forth in claims 2-4 and 29-31. Therefore, Akiyama et al and Ronning, in combination, also teach the system as set forth in claims 5-13 and 37.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rehana Perveen whose telephone number is 571-272-3676. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rehana Perveen
Primary Patent Examiner
Technology Center 2100